

REMARKS

I. INTRODUCTION

Claims 1-55 remain pending in the present application. No new matter has been added. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-5, 13-18, 26-28, 35-38, 45, and 46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,339,435 to Lubkin et al. (hereinafter "Lubkin").

Lubkin generally describes a heterogeneous management tool, which resides on one computer in a network of heterogeneous computers. This tool enables a user to build software systems on the resident computer or on another computer in the network supporting the same or different type of binaries. (See Lubkin, col. 3, ll. 61-67). A system build begins with a user specifying a system model and configuration threads on the host computer. (See Lubkin, col. 6, ll. 24-26). The system model describes the structure and specifies the components of the desired software system, along with the interrelationship of the components and their attributes. (See Lubkin, col. 6, ll. 28-31). The configurations threads are user-provided descriptions of the versions and translator options desired to be used during building of each component of the system model. (See Lubkin, col. 7, ll. 35-38). The management tool combines the system model and configuration thread to make a desired bound configuration thread (BCT) for each component. (See Lubkin, col. 10, ll. 48-68). The management tool then compares the BCTs of the desired proposed system to the BCTs existing in the system to determine whether and which

of any of the components of the specified desired software system have already been built. (*See* Lubkin, col. 10, ll. 48-68). If the management tool determines that building is required, it determines which building tools are necessary and selects a foreign computer to build the system. (*See* Lubkin, col. 11, ll. 21-53). If the selected builder computer is unauthorized, inaccessible, or improperly configured, then the management tool marks it as such and selects a new builder computer. (*See* Lubkin, col. 13, ll. 40-56).

The present invention relates to a method for determining whether an application program or an operating system within a system project uses components that are not already included within the system project. These needed components are shown to the user of the project facility, who may then select the components to be added to the system project. Alternatively, these needed components may be automatically added to the system project.

Claim 1 of the present invention recites "determining a set of symbols imported by the set of modules assigned to the domain." The Examiner contends that this limitation is anticipated by Lubkin's selection of a foreign builder computer for each component which is required to be built in order to satisfy the build command input by the user. (*See* Office Action, p. 2, ¶ 4). As described in an exemplary embodiment of the present invention, compiled source code ("modules") are fed to an examination utility, which reads each module and identifies any symbols in the module as either exported or imported by the module. (*See* Specification, p. 14, ll.19-21). A "symbol" is a name that represents a memory location of a code or data structure. (*See* Specification, p. 15, ll. 6-10). Thus, the symbols which are identified in this process point to other sources of code or data. In contrast, the foreign builder computer are not identifiers of sources of code, but they are tools used to construct the user-specified system. The selection of

these tools is not equivalent to searching for and locating symbols within a module. Thus, it is respectfully submitted that Lubkin's disclosure neither teaches nor suggests "determining a set of symbols imported by the set of modules assigned to the domain" as recited in claim 1.

Furthermore, claim 1 also recites "determining zero or more needed components to which the domain does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the set of present components." The Examiner contends that this limitation is anticipated by Lubkin's disclosure of marking selected builder and helper computers to indicate invalidity/unsuitability, and selecting new builder/helper computers as needed. (*See* Office Action, p. 2, ¶ 4) The Examiner appears to be equating the domain and components of the present application with the management tool and computers used to build the desired system of Lubkin, respectively. It is clear from Applicants' disclosure that "components" refers to the elements required for the application program to run efficiently. (*See* Application, p. 11, l. 20 - p. 12, l. 7). The claimed components are not equivalent, interchangeable, or even analogous to the management tool and networked computers of Lubkin. In claim 1 of the present invention, the components of a program application are either located within the domain or are needed to be located within the domain. However, the computers in the network described in Lubkin are merely used to build or help build a system as described by the user and manipulated by the management tool. (*See* Lubkin, Col. 13, ll. 40-61)

Applicants respectfully submit that for at least the reasons stated above, claim 1 of the present application is not anticipated by Lubkin, and request that the rejection of this claim be withdrawn. As claims 2-5 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

The Examiner rejected claim 13 on the same grounds as claim 1, indicating that claim 13 was merely the system version of claim 1. (*See* Office Action, p. 3) The Examiner used the same rationale to reject claim 45, indicating that claim 45 was merely the device version of claim 1. (*Id.*, at p. 5) For the reasons stated above with respect to claim 1, Applicants respectfully submit that claims 13 and 45 are also allowable and request that the rejections be withdrawn. As claims 14-18 depend from and therefore include all the limitations of claim 13, it is submitted that these claim are also allowable.

The Examiner rejected claim 26 as being anticipated by the disclosure of Lubkin. (*See* Office Action, p. 4) Claim 26 has similar recitation to claim 1. For instance, claim 26 recites "determining a set of symbols imported by the set of modules in each of the zero or more precious components; and determining zero or more needed components to which the domain does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the zero or more precious components." Thus, Applicants respectfully submit that for at least the reasons discussed above with respect to claim 1, claim 26 should also be allowed. Therefore, Applicants request that the rejection of claim 26, and the rejections of claims 27-28, which depend from and include all the limitations of claim 26, be withdrawn.

The Examiner rejected claims 35 and 46 under the same rationale as claim 26. The Examiner indicated that claim 35 is merely the system version of claim 26, and that claim 46 is the device version of claim 26. (*See* Office Action, p. 5) Therefore, Applicants respectfully request that for at least the reasons states above with respect to claim 26, the rejections of claims 35 and 46 be withdrawn. Because claims 36 - 38 depend from and therefore include all the

limitations of claim 35, Applicants request that these claims also be allowed.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 6-12, 19-25, 29-34, and 39-44 under 35 U.S.C. § 103(a) as unpatentable over Lubkin in view of U.S. Patent No. 5,528,757 to Yamasaki (hereinafter "Yamasaki"). (See Office Action, pp. 5-9) As discussed above, Lubkin does not teach or suggest all the limitations of independent claims 1, 13, 26, 35, 45, and 46. Yamasaki does not cure these defects of Lubkin. Accordingly, because claims 6-12, 19-25, 29-34, and 39-44 depend from and, therefore, include all of the limitations of corresponding claims 1, 13, 26, 35, 45, and 46, it is respectfully submitted that these claims are also allowable over the cited references.

IV. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: March 2, 2005

By: 

Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038